

May 15, 2013

Board of Appeals Public Hearing
Variance Permit
Mr. and Ms. Weymouth

This public hearing was called to order at 1:06 p.m. by the Board of Appeals Chairman Joy Hanser. This hearing has been properly posted and published as is required by Wis. Stats and LdF Zoning Ordinance 93-4.

Roll call was called by Teri Shaw, Secretary: Board of Appeals members present were: Chairman Joy Hanser, Stan Guif, Norm Wetzel, Rick Zelm, and John Bartosz. Also present is Teri Shaw, Secretary, Sue Ackland, Lac du Flambeau Zoning Administrator, Richard Weymouth, Mike Zimmerman, Jim Caldwell.

The Public Notice was read by Stan Guif.

Chairman Hanser stated that each of the Board members conducted an on sight inspection of the property in question, on their own prior to this hearing.

Chairman Hanser read the opening statement and asked Stan Guif to swear in Mr. Weymouth.

Stan Guif swore Mr. Weymouth in.

Ms. Shaw made note that 7 green cards were turned in at this time.

Chairman Hanser asked Mr. Weymouth to explain why he was seeking a variance for his proposed project, using the 3 step hardship test questions mentioned in the opening statement.

Mr. Weymouth stated that his property was unique as it is at the end of a dead end road, a relatively small property. It has an existing garage built on it that is need of significant repair. It is falling down and cannot be repaired any longer.

At this time, Mr. Weymouth supplied a large certified survey map which was marked as exhibit A for the record.

Mr. Weymouth went on to explain that there wasn't any other place to rebuild his proposed garage due to the small size of the lot, septic drainage field location, side lot line, road and a steep incline in elevation on the Northwest side of the property.

Discussion took place about the location of the existing home and proposed garage placement with regards to the OHWM mark of Plummer Lake. It was stated by Mr. Weymouth that the original garage was 66 feet from the OHWM.

Discussion took place about whether the original woodshed/lean too would be rebuilt on the side of the proposed garage. Mr. Weymouth stated that it would not.

Chairman Hanser asked if what Mr. Weymouth proposes to do is to rebuild a new garage in the exact foot print as the existing garage, the same exact size.

Mr. Weymouth stated yes that is exactly what he is proposing to do.

Chairman Hanser asked the Board members if there were any further questions.

Mr. Wetzel asked if the proposed garage overhang would be the same as the existing one.

Discussion took place about the proposed overhang size verses the existing one. Also, where the actual measurements were taken.

Mr. Weymouth showed a picture on his cell phone of the existing garage overhang, which was then entered into record as exhibit B by Chairman Hanser.

Chairman Hanser stated for the record that it appeared that the existing garage overhang was 18 inches.

It was established that the Certified Survey showed that the measurement was taken from the garage overhang and that the proposed project would be the same.

Discussion took place about the neighboring property owners.

Chairman Hanser asked if there were any further questions or concerns from the Appeals Board members. Hearing none, asked Mr. Weymouth to return to his seat.

Chairman Hanser asked if there was any correspondence or phone calls received pertaining to this hearing.

Sue Ackland, Lac du Flambeau Zoning Administrator, was then sworn in by Mr. Guif.

Ms. Ackland responded that she received no mail, e-mail or phone calls in regards to this Variance Hearing.

Chairman Hanser asked Ms. Ackland why Mr. Weymouth was instructed that he needed a variance from the Board of Appeals for the proposed project.

Ms. Ackland stated that the proposed garage would encroach on the setback required on the property's side lot line, road right of way and is within the 75 foot OTHW mark on Plummer Lake. Due to the size of the property the garage could not be built anywhere else on the property, except in the exact footprint of the original garage dwelling. There is a steep embankment on the side and a septic drain field too.

Discussion took place on how the garage came to be built there in the first place, not complying with current zoning requirements. Ms. Ackland stated that it was built a long time ago, before these zoning requirements were in place. That it was "Grand Fathered" in and that she could not make Mr. Weymouth remove the existing structure.

Discussion took place about what the "Grand Father" clause was, it's definition and how it is applied.

Ms. Ackland stated that if the existing garage fell down, under the "Grand Father" clause Mr. Weymouth could rebuild it in the exact same footprint without having a Variance meeting. But because the structure was still standing, the Variance Hearing was required.

Chairman Hanser asked if there were any other questions for Ms. Ackland. Hearing none, asked Ms. Ackland to return to her seat.

Chairman Hanser, then asked if there was anyone who wished to speak in opposition to this variance. Hearing no opposition, asked if the Board members wished to recall anyone for further questioning or information. Hearing none, Chairman Hanser closed session for the Board of Appeals members to discuss their findings and make a decision.

Discussion took place between the members of the Board.

Chairman Hanser asked for a motion to accept or deny Mr. Weymouth's variance.

Mr. Bartosz made a motion to accept Mr. Weymouth's variance due to the fact that the hardship is that the property is so small, has a steep incline on one side, the position of the septic field and road, that this was the only place to put the garage. To rebuild the new garage in the exact foot print as the existing structure. That allowing this would not have a negative impact on the public interest. That in fact the rebuilding of this garage would be safer and more appealing than what is currently there and it may actually improve the value of this and the surrounding properties. No impact on water quality or natural habitat should result either. As for unnecessary hardship Mr. Weymouth is taking the right steps to obtain a variance to rebuild now instead of waiting for the existing garage to fall down and then rebuild under the "Grand Father" clause. He is taking the initiative to rebuild now rather than later.

Mr. Zelm seconded the motion.

Chairman Hanser asked for a roll call vote to take place.

Ms. Shaw called the roll call vote.

Joy Hanser: accept

Stan Guif: accept

Norm Wetzel: accept

Rick Zelm: accept

John Bartosz: accept

Chairman Hanser stated that the motion was carried and the granting of Mr. Weymouth's variance was approved to rebuild a new garage in the exact foot print as the existing structure currently is.

Chairman Hanser asked for a motion to adjourn.

Mr. Wetzel made the motion to adjourn.

The hearing adjourned at 1:36 pm.

Respectfully submitted,

Teri Shaw
Secretary Board of Appeals

THERE IS A TAPE RECORDING OF THIS PUBLIC HEARING ON FILE AT THE
TOWN OF LAC DU FLAMBEAU OFFICES.